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REMARKS

NOV 03 2006

This response is being filed in response to a final rejection believed to be premature. However, reconsideration of the finality of the rejection (or at least entry of the amendment) is requested.

The final rejection refers to an amendment which is non-existent. There has been no amendment since the filing of an RCE. The suggestion that the Applicant's response somehow redefined the claim is unsupportable since the term "operation" is never even mentioned in the response. There is no basis in Applicant's response for the new Section 112 rejection or the amendment of the prior art rejection as well. Namely, there was no amendment to the claims and, therefore, there is no basis for making two new rejections final. The finality should be withdrawn or the amendment entered.

The continued reliance of the "potential" of the reference is noted, but it is legally without basis. Most telling is the assertion that "However, as it may be argued that Mason, Jr. does not explicitly teach that such previously non-sequentially cache writes may be written back as a single 'larger' write operation not otherwise inherently composed of potentially multiple disk writes, Mandal is cited." Of course, this amounts to a concession that, as previously argued, Mason is not relevant to the claimed invention.

Mandal coalesces burst-type writes wherein the information written is consecutive and, therefore, can be easily found and coalesced.

Random or non-burst writes are not coalesced in Mandal and, instead, the reference explicitly states that "the sustained random throughput is ultimately limited by the underlying disk speed." Mandal at paragraph 71. In other words, in the case of random or non-burst writes, no improvement was possible with the cited reference and, therefore, speed was reduced.

With the claimed invention, non-burst writes are coalesced, providing significant improvement.

Thus, the requirement that the writes be non-sequential precludes the application of the Mandal reference.

Therefore, reconsideration is requested.

Respectfully submitted,



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